

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2007-64-WS - ORDER NO. 2007-651

SEPTEMBER 17, 2007

IN RE:	Petition of the Office of Regulatory Staff for)	ORDER TO CONTINUE
	Declaratory Order Against Stan Brown d/b/a)	SERVICE AND ORDER
	Water Head, LLC Requiring Certification as a)	ADOPTING
	Water Utility and the Posting of a Performance)	SETTLEMENT
	Bond)	AGREEMENT

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the petition of the Office of Regulatory Staff (“ORS”) for declaratory order against Stan Brown d/b/a Water Head, LLC requiring certification as a water utility and the posting of a performance bond. The petition alleges that Stan Brown is the owner and operator of a public utility providing unauthorized water services to customers in the Rock at Jocassee subdivision in Pickens County, South Carolina. A settlement agreement was submitted to the Commission on June 27, 2007, and a hearing was held for the Commission to review the settlement in conformity with the Commission’s Settlement Policies and Procedures on August 9, 2007. No parties intervened in this docket.

The Public Service Commission is vested with the authority to regulate water and wastewater utilities that are operating for compensation as set forth in S.C. Code Ann. § 58-5-10 *et seq.* (1976 & Supp. 2006). Pursuant to the settlement agreement and testimony before the Commission, Stan Brown admits that he has been operating Water Head, LLC as a water utility in the Rock at Jocassee subdivision without Commission

approval for approximately eight years. According to the evidence, Water Head has no meters but charges customers a flat rate of \$22 per month, including a tap fee of \$1,000. Testimony at the hearing indicates that no charge is assessed for wastewater service and no wastewater service is provided because all residents of the Rock at Jocassee are on septic tanks. At the hearing, counsel for Brown indicated that Brown intends to post a \$100,000 service bond in compliance with S.C. Code Ann. Regs. 103-712.3 (May 25, 2007).

The Commission accepts the settlement agreement between Brown and ORS, modified on August 8, 2007 to reflect changes in certain filing dates, as being in the public interest. We adopt all terms of this agreement and order Brown to continue providing water service to the Rock at Jocassee subdivision at a flat rate of \$22 per customer per month. In addition, Brown is ordered to comply with all terms and conditions of the settlement agreement, which includes filing an application for certification for his water system by September 17, 2007.

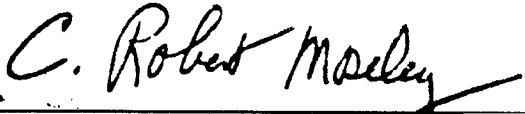
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)